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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,258	01/15/2004	James Garth Close		6525

7590  
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EXAMINER

NOVOSAD, JENNIFER ELEANORE

ART UNIT

PAPER NUMBER

3634

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/716,258

Applicant(s)

CLOSE, JAMES GARTH

Examiner

Jennifer E. Novosad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 October 2006 and 02 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 34-38 and 40-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-38 and 40-43 is/are rejected.
- 7) ☒ Claim(s) 44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 and 15 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

This non-final Office action is in response to the amendment filed December 2, 2006 by which claims 34, 35, 37, 38, 41, 43, and 44 were amended and the remarks filed October 9, 2006.

#### ***Election/Restriction***

Applicant's election without traverse of invention II, species (V), i.e., Figures 13A-13C and 18A-18D, and sub-species (d), i.e., Figures 16A-16D, in the reply filed on March 6, 2006 is noted. All claims pending read on the elected invention, species, and sub-species.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 34-37 and 40-42 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,622,874 (Hawkinson '874).

Hawkinson '874 discloses a product display system comprised a shelf (not shown - surface on which the base section rests); a display base section (see Figure 3) comprising a bottom surface (at 11 in Figure 3) such at least a portion of the bottom surface is in contact with the shelf when the base section *may* be placed on the shelf; the base section comprises a front edge (right side of Figure 1), a first side edge and a second side edge, and a rear edge and a plurality of ridges (see Figure 4); the ridges comprise a first ridge (vertically extending element near 32' in Figure 3) and a second ridge (vertically extending element near 24' on the left side of

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Figure 3) whereby a first pull member channel (above 13 in Figure 3) is located between the first and second ridge; a third ridge (vertically extending element near 31' in Figure 3) and a fourth ridge (vertically extending element near 54' in Figure 3), whereby a second pull member channel (near 25' in Figure 3) is located between the third and fourth ridges; an active alignment device (at 27' - see Figure 3) has a first leg (unnumbered - vertical extending element which is part of 30' and located to the left of element 32' in Figure 3) inserted in the first channel and a second leg inserted in the second channel, i.e., see Figure 3 where the side edges of element 27' extend across the areas defined as the channels; *with respect to claim 35*, the alignment device having a housing (27') including a rear product engagement section (at 31 and 32 in Figure 1, i.e., note the Section 112, 2<sup>nd</sup> paragraph rejection above) which travels within the housing and a drive means (35); *with respect to claim 36*, the display section is a first section and a second section (at 51' in Figure 3) overlaps the first side edge of the first base section; *with respect to claim 37*, a front stop (at 40 - see Figure 1) is positioned in proximity of the front edge; *with respect to claim 40*, the housing further comprises a first channel and a second channel (unnumbered - bound by elements 31' and 32' define above near the rails), and the rear engagement section further comprises a first slide and a second slide member (at 31 and 32 in Figure 1) each received in the first and second channels of the housing (see Figure 1); and *with respect to claims 41 and 42*, the drive means is a spring, i.e., an elastic member.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38 ad 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
Hawkinson '874, alone.

Hawkinson '874 discloses the system as advanced above.

The claims differ from Hawkinson '874 in requiring: (a) a plurality of preformed bend markings on the base section (claim 38); and (b) the base section to have a first section with a snap feature along each side edge and a second section with snap features along each edge to engage over the snaps of the other section (claim 43).

*With respect to (a)*, although Hawkinson '874 do not explicitly disclose bend markings, it would have been obvious to one of ordinary skill in the art at the time the invention was made (i.e., the examiner takes official notice) to have provided bend markings, for ease in assembly and manufacture.

*With respect to (b)*, Hawkinson '874 discloses first (at 201 in Figure 3) and second (unnumbered - far left in Figure 3) base sections whereby the side edges have mating structures for connection (see Figure 3).

Although Hawkinson '874 does not disclose the mating structures as snap features, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided such snap features, for increased support and stability of the system.

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***Allowable Subject Matter***

Claim 44 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments, with respect to the reference to Johnson et al. '699, have been fully considered, and in view of the amendment to claim 34 are rendered moot.

Applicant's arguments (see pages 3-4) concerning the Hawkinson '874 reference are noted. *However*, as advanced, Hawkinson '874 clearly shows a first leg and a second leg of the housing inserted into separate first and second channels.

***Conclusion***

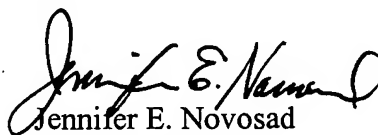
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note previously cited references U.S. Patent Nos. 4,901,869 and 6,311,852.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is 571-272-6832. The examiner can normally be reached on Monday, Tuesday, Thursday, 5:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jennifer E. Novosad  
Primary Examiner  
Art Unit 3634

December 26, 2006